

Unsealed on 4/29/10
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

MAGISTRATE CASE NO. _____

Plaintiff,

COMPLAINT FOR VIOLATION OF: DEPUTY

v.

Title 18 U.S.C. § 2252(a)(4)(B) -
Distribution of Images of Minors Engaged in
Sexually Explicit Conduct

Jeffrey Lee McDaniel,

Defendant.

The undersigned Complainant, being duly sworn, states:

On or about February 7, 2010, within the Southern District of California, defendant Jeffrey Lee McDaniel did knowingly distribute visual depictions using any means and facility of interstate and foreign commerce, and that had been mailed, shipped and transported in and affecting interstate and foreign commerce, and which contains materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depiction(s) were of such conduct; in violation of Title 18, United States Code, Section 2252(a)(2).

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Anthony Torres
Special Deputy U.S. Marshal

Sworn to me and subscribed in my presence this 27th day of April, 2010.


UNITED STATES MAGISTRATE JUDGE

#15

STATEMENT OF FACTS

I am a Detective with the San Diego County Sheriff's Dept, having been so employed for over 24 years. As of April, 2007, I became cross-sworn as a Special Deputy U.S. Marshal. I am currently assigned to the Internet Crimes Against Children (ICAC) Task Force and have been so assigned for the over the past 4 years. My duties include investigating allegations of child sexual abuse, child exploitation, and the sharing and storage of child pornography on computers. During this assignment, I have been part of over 400 cases involving child pornography and the internet. I have also received over 300 hours of training in the area of child abuse and child exploitation as well as the area of Computer Crimes and Internet Investigations from the California Department of Justice, the S.E.A.R.C.H Group in Sacramento, and through Fox Valley Technical College, which included courses on Internet Crimes against Children.

Prior to this assignment, I was assigned to the San Diego Sheriff's Department's Domestic Violence Unit for approximately eight years. Before that, I was an area investigator at the San Diego Sheriff's Department's Fallbrook Substation for approximately 2 years. During my time with these units, I have investigated, or been part of, over 200 cases involving child physical and sexual abuse. I have also received training at the basic law enforcement academy, as well as in-service training in the area of child sexual and physical abuse.

On March 19, 2010, the San Diego Internet Crimes Against Children (ICAC) Task force received a referral from the Door County, Wisconsin, Sheriff's Department regarding an individual distributing images of child pornography via the internet. I was assigned the referral as the follow-up investigator. I read the Door County Sheriff's Department Reports and saw that on 02-07-10, the Reporting Officer, Detective James Valley, was conducting an undercover chat operation, under the Direction of the Wisconsin State Internet Crimes Against Children (ICAC) Task Force. The purpose of the operation was to identify individuals who are currently in possession of child pornography or currently involved in the abuse of children. During the operation, Detective Valley used an undercover identity of a 42 year old female with the user name "**momemilyof2**". Detective Valley logged into Yahoo! Messenger, which is an advertisement-supported instant messaging client and associated protocol provided by Yahoo!. Yahoo! Messenger is provided free of charge and can be

1 downloaded and used with a generic "Yahoo! ID", and entered a chat room "**Naturists and**
2 **Nudists**". Detective Valley chose this particular chat room based on prior knowledge of individuals
3 frequenting this chat room being involved in the trading of child pornography and have talked about
4 sexually abusing their own children.

5 Detective Valley was contacted by an individual using the screen name "**jm_dash9**". During
6 the chat, **jm_dash9** indicated to the detective that he was sexually active with his own children.
7 Detective Valley was also able to get **jm_dash9** to send him images of child pornography using a
8 "Photoshare" feature of Yahoo! Messenger. **Jm_dash9** sent Detective Valley a total of 16 photos,
9 using Photoshare, and Deputy Valley obtained a screen capture of the chat, as well as the images sent
10 on the Photoshare. Deputy Valley attached all the captures to the referral sent to the San Diego
11 ICAC Task Force.

12 I previewed the images Detective Valley attached to his report, as being sent by **jm_dash9**,
13 and saw one of the images depicted 2 nude prepubescent girls face down on a bed. The girls are up
14 on their knees and are exposing their vaginas to the camera. This image had the file path "**03 nice y**
15 **(2).jpg**". Another image viewed depicted a nude, young teen girl, possibly 14 to 16 years old, on
16 her hands and knees on a orange towel. This girl is also posed so that the focus of the image is on
17 her buttocks and vagina. Another image viewed depicted 3 nude girls, two if them appearing to be
18 prepubescent and the other girl appeared to be a very young teenage girl. The girls are posed on a
19 bed and one of the prepubescent girls is penetrating the teenage girl's vagina with an unknown blue
20 object.

21 Another image depicted a prepubescent girl, possibly under the age of 12 years old, wearing a
22 orange tank top. The girl is holding an adult male's erect penis and it appears that the male has
23 ejaculated into the girl's face. This image had the file path "**@cumonface.jpg**". Another image
24 depicted a nude prepubescent girl posed holding a ball and lying on some grass. The girl's legs are
25 spread apart and she is posed in such a manner so that the focus of the image is on her vagina.
26 Another image depicted a close up photo of a female child's vagina. Another image depicted a nude
27 prepubescent girl, squatted down, with her legs spread apart. The girl is posed so that the focus of
28 the image is on her vagina. The other images of young girls depicted them either topless or fully

1 clothed. **Jm_dash9** also sent two photos of himself. One of the images depicts **jm_dash9** standing
2 near a rail overlooking a city view and had the file path "**jeff(2).jpg**". The second image depicted
3 an older **jm_dash9**, posed nude, sitting in a chair, with a fully erect penis. This image had the file
4 path "**jeff in chair.jpg**".

5 Detective Valley continued his chat conversation with **jm_dash9** and **jm_dash9** agreed to
6 send the detective images of child pornography via e-mail. Detective Valley provided **jm_dash9** the
7 undercover e-mail address of **momemilyof2@yahoo.com** and **jm_dash9** sent 2 e-mails with images
8 of child pornography attached to them. Upon receiving the e-mails, Detective Valley took screen
9 captures of the actual e-mails, as well as the images attached to them. I The first e-mail was sent to
10 **momemilyof2@yahoo.com** by **jm_dash9@yahoo.com** and had the name Jeffrey McDaniel as the
11 sending person. I also saw the e-mail had 2 attachments and was dated February 7, 2010 at 11:15am.
12 I then previewed the attachments and saw that the first attachment was an image depicting a nude
13 prepubescent girl, lying face down on a bed. The girl has her legs spread apart and is using her
14 hands to spread the outer portion of her vagina, exposing her vagina to the camera. The second
15 attachment was an image depicting 2 nude prepubescent girls, face down on a bed. The girls are up
16 on their knees and are exposing their vaginas to the camera. This is a repeat of one of the images
17 sent to Detective Valley by **jm_dash9** using Yahoo! Messenger's Photoshare feature.

18 The second e-mail was also sent to **momemilyof2@yahoo.com** by **jm_dash9@yahoo.com**
19 and was also dated February 7, 2010 at 11:24am. This e-mail also had the name Jeffrey McDaniel as
20 the sending person and had 5 attachments to them. I previewed the first attachment and found it was
21 the previously described image, sent in the first e-mail, of nude prepubescent girl, lying face down
22 on a bed. The girl has her legs spread apart and is using her hands to spread the outer portion of her
23 vagina, exposing her vagina to the camera. The second and third attachments were the previously
24 described image, from the first e-mail, depicting 2 nude prepubescent girls, face down on a bed. The
25 girls are up on their knees and are exposing their vaginas to the camera. Again, this is a repeat of
26 one of the images sent to Detective Valley by **jm_dash9** using Yahoo! Messenger's Photoshare
27 feature. The fourth attachment is an image depicting a nude, teenage girl, possibly under the age of
28 16 years old, posed on her elbows and knees on a blue sofa. The girl is posed in such a manner so

1 that the focus of the image is on her exposed vagina. The last attachment is an image depicting a
2 topless prepubescent girl wearing a pink bikini bottom. The girl is posed in such a manner so that
3 the focus of the image is on her breasts.

4 Detective Valley identified who jm_dash9 was using the IP address associated with the
5 emails. On 02-15-10, Detective Valley received a response from Cox Communications reference the
6 subpoena sent to them. Cox provided Detective Valley with the following subscriber information:

7 **Dekhna A. McDaniel**
8 **Jeffrey Lee McDaniel**
9 **5812 Yorkshire Ave.**
10 **La Mesa, California 91942**

11 On 03-11-10, Detective Valley received a response from Yahoo! reference the subpoena sent
12 to them. Yahoo! indicated, in their response, that the name attached to the Yahoo! user name
13 **jm_dash9** and the e-mail address **jm_dash9@yahoo.com** is Jeff McDaniel. Yahoo! also indicated
14 the user gave is residence city as La Mesa, Calif. and gave the zip code, 91941, which is the zip code
15 for La Mesa, Calif. Detective Valley provided the San Diego ICAC Task Force with the information
16 he obtained during his investigation.

17 On 04-10-10, I obtained a search warrant, signed by the Hon. Cathy Ann Bencivengo, of the
18 United States District Court, Southern District of California for the residence at 5812 Yorkshire
19 Ave., in La Mesa. On 04-21-10, members if the ICAC Task Force assisted me in the warrant
20 service. We were admitted into the residence by Sandra Cleveland, a family friend and Dekhna
21 McDaniel's Caretaker. We also contacted Dekhna McDaniel and found that Jeffrey McDaniel was
22 working. After ensuring there were no other occupants and securing the residence, the search was
23 commenced. I told Cleveland that I would like to contact Jeffrey and she gave me his cell phone
24 number. I called Jeffrey and advised him of the warrant service. I also told Jeffrey that would like to
25 talk to him about the investigation and asked him if he would be willing to return home to talk to me.
26 I also told Jeffrey that he was not going to be arrested at this time and he agreed to return to the
27 residence.

28 As we I was waiting for Jeffrey to arrive, District Attorney Investigator (DAI) Steve Flores
conducted a preview of the computer found in Jeffrey McDaniel's room, using the Image Scan
Preview Software. DAI Flores advised me that he found several images of child pornography on the

1 computer as well as the images sent to **momemilyof2**. DAI Flores described some of the images as
2 follows:

3 The first image was titled “_pics_mnt_dev_sda1_jpg_ext_0000_0007” and depicts an erect
4 penis penetrating a small child’s anus. The child appears to be a young female approximately 4 years
5 old. The second image was titled “_pics/mnt_dev_sda1_jpg_ext_0000_0009” and depicts an erect
6 penis penetrating a young female’s anus. The child appears to be the same one depicted in the first
7 image. The third image was titled “_pics_mnt_dev_sda1_jpg_ext_0000_0010” and depicts a male’s
8 erect penis against the outside of a young female’s anus. The child is bent over in front of the male in
9 a kneeling position. It appears as if the male has ejaculated between the child’s buttocks and onto her
10 lower back. The child and the male appear to be the same as those depicted in the first two images.

11 The fourth image was titled “_pics_mnt_dev_sda1_jpg_ext_0000_0013” and depicts a girl
12 approximately 10 years old. The girl is nude and is lying on the ground with her head resting on a red
13 and white ball. Her legs are spread open exposing her nude vaginal area. The focus of the image
14 appears to be the girl’s vagina. I noticed this was one of the images McDaniel sent to Detective
15 Valley. The fifth image was titled “_pics_mnt_dev_sda1_jpg_ext_0000_0014.jpg” and depicts a
16 young girl bent over exposing her vaginal area and anus. The girl appears to be the same girl
17 depicted in the first three images. The sixth image was titled
18 “_pics_mnt_dev_sda1_jpg_ext_0000_0016.jpg” and depicts a girl approximately seven years old
19 lying on a table or counter top. The girl is nude from the waist down, has her legs up in the air and is
20 propped up on her elbows. A male is holding his penis and had placed it inside the girl’s vagina.

21 The seventh image was titled “_pics_mnt_dev_sda1_jpg_ext_0000_0022.jpg” and depicts a
22 girl approximately 14 years old on her hands and knees. She is resting on a towel and her buttocks
23 are facing the camera. The focus of the image appears to be her buttocks. This is one of the images
24 McDaniel sent to Detective Valley. The eighth image was titled
25 “_pics_mnt_dev_sda1_jpg_ext_0000_0035.jpg” and depicts a girl approximately four years old
26 performing oral copulation on a male. The ninth image was titled
27 “_pics_mnt_dev_sda1_jpg_ext_0000_0043.jpg” and depicts a girl approximately 10 years old. The
28 girl is holding a male’s penis in her hand and appears to have semen on her chin and the front of her

1 blouse. This was also one of the images sent to Detective Valley by McDaniel. DAI Flores copied
2 these images onto a thumb drive, to later be transferred to a compact disc and completed a report on
3 his findings.

4 Jeffrey arrived at the house and I met him in the driveway. I escorted Jeffrey into the
5 residence and into the kitchen. I advised Jeffrey of the investigation and again told him that I would
6 like to talk to him about the case. I again reminded Jeffrey that I was not going to arrest him at this
7 time, but told him that I was still going to advise him of his constitutional rights. I activated my
8 digital recorder and advised Jeffrey of his Miranda Rights, using my department issued notebook.
9 Jeffrey indicated he understood his rights and agreed to talk to me. Jeffrey stated, essentially, that he
10 is the only one using the computer in the bedroom. Jeffrey also admitted to using the Yahoo! User
11 name **jm_dash9** and the e-mail address **jm_dash9@yahoo.com**. Jeffrey also told me that he does
12 use Yahoo! Messenger and frequents the chat room "**Nudists and Naturists**". Jeffrey also admitted
13 to possessing child pornography on his computer and did admit to distributing child pornography via
14 the internet. Jeffrey told me he will frequently trade images of child pornography using Yahoo!
15 Messenger's Photosharing and admitted to sending some images of child pornography via his
16 Yahoo! E-mail account. Jeffrey also told me he saves the images he receives onto compact discs.

17 Jeffrey also told me he has chatted with several females, online, including a 15 year old girl
18 from Colorado. Jeffrey told me that most of the females he has talked to have teenage daughters and
19 he has talked to them about having sex with the teenage daughters. Jeffrey told me of a woman he
20 communicated with from New Hampshire that has 3 daughters. Jeffrey identified the woman as
21 "Mary Cordell" and stated Mary has daughters 9, 12, and 13 years of age. Jeffrey told me he had
22 considered moving to New Hampshire to sit with Mary's daughters. Jeffrey also told me he and
23 Mary discussed him having sex with the 13 year old daughter. Jeffrey told me Mary sent him nude
24 photos of her daughters.

25 Jeffrey then told me about the 15 year old girl from Colorado. Jeffrey also told me that he
26 and the 15 year old girl talked about her coming to San Diego with her father to a hotel in Pacific
27 Beach. Jeffrey told me he and the 15 year old were making arrangements, online, for them to meet
28 to have sex. Jeffrey told me the meeting never happened and he last spoke with her a few nights

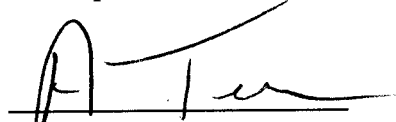
1 prior to us contacting him. I asked Jeffrey if he has a desire to find out what it would be like to have
2 sex with a 13, 14, or 15 year old and the urges have become strong. Jeffrey told me he would be too
3 scared to follow through with the urges. Jeffrey's interview was tape recorded and the recording was
4 transferred to a compact disc.

5 The search was continued and several items, including 2 computers, 49 compact discs, as
6 well as other digital media were seized.

7 I

8 **Request for Sealing**

9 It is further respectfully requested that this Court issue an Order sealing, until further order of
10 this Court, all papers submitted in support of this complaint, including the probable cause statement
11 and arrest warrant. Sealing is necessary because premature disclosure of the contents of this
12 probable cause statement and related documents may cause the defendant to flee and may cause
13 destruction of evidence and may have a negative impact on this continuing investigation.
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17 Anthony Torres
18 Special Deputy, U.S. Marshal
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